

S-3/16/99 Human Res  
S-3/23/99 Do Pass

FEB 18 1999

Place On Calendar

HOUSE FILE 311  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 127)

Passed House, <sup>(p. 666)</sup> Date 3/15/99 Passed Senate, Date 4/12/99 <sup>(p. 1043)</sup>  
Vote: Ayes 95 Nays 0 Vote: Ayes 49 Nays 0  
Approved April 23, 1999

**A BILL FOR**

1 An Act relating to reimbursement, payment, and coverage by the  
2 state for damages involving individuals providing foster home,  
3 guardian, or conservator services and providing an effective  
4 date.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

**HOUSE FILE 311**

**H-1040**

1 Amend House File 311 as follows:  
2 1. Page 1, by inserting after line 27 the  
3 following:  
4 "Sec. \_\_. Section 237.13, Code 1999, is amended by  
5 adding the following new subsection:  
6 NEW SUBSECTION. 10. Pursuant to section 507B.4,  
7 subsection 7, a person who has been reimbursed, for  
8 which a claim has been paid, or is covered under the  
9 provisions of this section shall not be subject to  
10 discrimination in the provision of homeowner's  
11 insurance coverage by reason of such reimbursement,  
12 payment, or coverage.  
13 Sec. \_\_. Section 507B.4, subsection 7, Code 1999,  
14 is amended by adding the following new paragraph:  
15 NEW PARAGRAPH. d. Making or permitting any  
16 discrimination in the sale of homeowner's insurance  
17 solely on the basis of the payment, reimbursement, or  
18 coverage under section 237.13."  
19 2. By renumbering as necessary.

2 By KREIMAN of Davis MURPHY of Dubuque  
WITT of Black Hawk BURNETT of Story  
BUKTA of Clinton REYNOLDS of Van Buren  
FORD of Polk FOEGE of Linn

H-1040 FILED MARCH 1, 1999

<sup>(p. 666)</sup>

Last 3/15/99

HF 311

1 Section 1. Section 237.13, subsection 3, Code 1999, is  
2 amended to read as follows:

3 3. Except as provided in this section, the fund shall pay,  
4 on behalf of each licensed foster home, any valid and approved  
5 claim of foster children, their parents, guardians, or  
6 guardians ad litem, for damages arising from the foster care  
7 relationship and the provision of foster care services. The  
8 fund shall also ~~reimburse~~ compensate licensed foster homes for  
9 property damage, at replacement cost, or for bodily injury, as  
10 a result of the activities of the foster child, and reasonable  
11 and necessary legal fees incurred in defense of civil claims  
12 filed pursuant to subsection 7, paragraph "d", and any  
13 judgments awarded as a result of such claims.

14 Sec. 2. Section 237.13, subsection 4, paragraph g, Code  
15 1999, is amended by striking the paragraph.

16 Sec. 3. Section 237.13, subsection 4, paragraph h, Code  
17 1999, is amended by striking the paragraph.

18 Sec. 4. Section 237.13, subsection 6, Code 1999, is  
19 amended to read as follows:

20 6. The fund is not liable for the first ~~seventy-five~~ one  
21 hundred dollars ~~of any claim based on a single occurrence for~~  
22 all claims arising out of one or more occurrences during a  
23 fiscal year related to a single foster home. The fund is not  
24 liable for damages in excess of three hundred thousand dollars  
25 ~~for a single foster home~~ for all claims arising out of one or  
26 more occurrences during a ~~calendar~~ fiscal year related to a  
27 single home.

28 Sec. 5. TRANSITION TO FISCAL YEAR. The limit on foster  
29 home liability established in section 237.13, subsection 6, in  
30 effect for the calendar year beginning January 1, 1999, shall  
31 apply through June 30, 1999. This section of this Act, being  
32 deemed of immediate importance, takes effect upon enactment.

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#### EXPLANATION

34 This bill relates to reimbursement or payment of claims by  
35 the state for damages involving individuals providing foster

1 home, guardian, or conservator services.

2 Code section 237.13, establishing the foster home insurance  
3 fund administered by the department of human services, is  
4 amended in a number of ways. The bill provides that  
5 reimbursement of valid claims for property damage shall be at  
6 replacement cost.

7 Code section 237.13, subsection 4, paragraph "g", is  
8 repealed. This provision provides that the fund is not liable  
9 for any claim for which compensation has been provided by, or  
10 is available from, any other source including the child's own  
11 funds.

12 Code section 237.13, subsection 4, paragraph "h", is  
13 repealed. This paragraph provides that the fund is not liable  
14 for the liability of a foster parent due solely to the foster  
15 parent's failure to obtain automobile or homeowner's  
16 insurance.

17 Code section 237.13, subsection 6, is amended to exempt the  
18 fund from liability for the first \$100 for all claims  
19 involving occurrences in a single foster home during the  
20 course of a fiscal year. Current law exempts the fund for the  
21 first \$75 for each occurrence. The annual limitation on all  
22 claims is changed to apply to the fiscal year rather than the  
23 calendar year.

24 The bill includes a transition provision for the bill's  
25 amendments to Code section 237.13, subsection 6, relating to  
26 the foster home's per claim liability and overall liability,  
27 in order to change the applicability of the fund from the  
28 calendar year to the state fiscal year. The transition  
29 provision provides that the limit in effect for the calendar  
30 year beginning January 1, 1999, applies through June 30, 1999.  
31 The transition provision takes effect upon enactment.

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